

UNITED STATES DISTRICT COURT

for

EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

U.S.A. vs. Michael Demonte Howard

Docket No. 5:12-CR-308-2D

Petition for Action on Conditions of Pretrial Release

COMES NOW Matthew Smith, probation officer of the court, presenting an official report upon the conduct of defendant, Michael Demonte Howard, who was placed under pretrial release supervision by the Honorable James E. Gates, U.S. Magistrate Judge, sitting in the Court at Raleigh, NC, on the 21st day of December, 2012, under the following conditions:

- The defendant is placed in the custody of Angela Howard McClain.
- Report to the US Probation.
- Maintain or actively seek employment.
- Obtain no passport.
- Abide by the following restrictions on personal association, place of abode, or travel:
Not to go on the premises of Fort Bragg military base.
- Avoid all contact, directly or indirectly, with any persons who are or who may become a victim or potential witness in the subject investigation or prosecution, including but not limited to: co-defendant; Jemall Blythe.
- Refrain from possessing a firearm, destructive device, or other dangerous weapons.
- Refrain from excessive use of alcohol.
- Refrain from use or unlawful possession of a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner.
- Submit to any testing required by the pretrial services office or the supervising officer to determine whether the defendant is using a prohibited substance. Any testing may be used with random frequency and include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing. The defendant must refrain from obstructing or attempting to obstruct or tamper, in any fashion, with the efficiency and accuracy of any prohibited substance testing or monitoring which are required as a condition of release.
- Participate in a program of inpatient or outpatient substance abuse therapy and counseling if the pretrial services office or supervising officer considers it advisable.
- Participate in the following location monitoring program component and abide by its requirements as the supervising officer instructs. You are restricted to your residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities as pre-approved by the supervising officer.

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- Submit to the location monitoring indicated below and abide by all of the program requirements and instructions provided by the supervising officer related to the proper operation of the technology. The defendant must pay all or part of the cost of the program based upon your ability to pay as the supervising officer determines. Location monitoring technology as directed by the pretrial services office or supervising officer.
- Report as soon as possible to the supervising officer any contact with law enforcement personnel, including, but not limited to, any arrest, questioning, or traffic stop.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS: The defendant has been in compliance with the conditions of his pre-trial release. He recently obtained full-time employment with Goodyear, and he works a rotating 12 hour shift. Since his placement on electronic monitoring, the monitoring equipment has had numerous technical problems due to the telephone service provider. We have attempted to resolve these issues without success. Due to the technical problems, we are requesting that the electronic monitoring condition be stricken. We will continue to monitor the defendant's whereabouts by home visits and phone contacts. Contact has been made with the Government who expressed no objection to this modification.

PRAYING THAT THE COURT WILL ORDER that the following condition be stricken:

- Submit to the location monitoring indicated below and abide by all of the program requirements and instructions provided by the supervising officer related to the proper operation of the technology. The defendant must pay all or part of the cost of the program based upon your ability to pay as the supervising officer determines. Location monitoring technology as directed by the pretrial services office or supervising officer.

Reviewed and approved,

/s/ Robert K. Britt

Robert K. Britt
Senior U.S. Probation Officer

I declare under penalty of perjury that the foregoing is true and correct.

/s/Matthew Smith

Matthew Smith
U.S. Probation Officer
310 Dick Street
Fayetteville, NC 28301-5730
Phone: (910) 483-8613
Executed On: March 26, 2013

ORDER OF COURT

Considered and ordered this 26th day of March, 2013, and ordered filed and made a part of the records in the above case.



James E. Gates